

**ASSEMBLY BILL**

**No. 1441**

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**Introduced by Assembly Member Stone**

January 6, 2014

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An act to amend Sections 49069.5 and 51225.2 of the Education Code, relating to foster care pupils.

LEGISLATIVE COUNSEL'S DIGEST

AB 1441, as introduced, Stone. Pupils in foster care: transfers between schools: educational record: course credit.

Existing law establishes procedures for the transfer of pupils in foster care between schools and, among other things, requires the local educational agency from which the pupil is transferring to compile the complete educational record of the pupil, including a determination of seat time, full or partial credits earned, and current classes and grades.

This bill would require a local educational agency, as defined, in determining credits earned for coursework completed in a course that satisfies the requirements for graduation, to award credit for that course in proportion to the period of time the pupil was enrolled in the course and achieving a passing grade, as defined.

Existing law requires a school district and county office of education to which a pupil in foster care is being transferred to accept coursework satisfactorily completed by that pupil while attending another school, and requires credits accepted to be applied to the same or equivalent course, if applicable. Existing law prohibits a school district or county office of education from requiring the pupil in foster care to retake a course if the pupil has satisfactorily completed the entire course at another school, as specified.

This bill would instead require a local educational agency, defined to also include a charter school, to accept coursework for which a pupil in foster care received a passing grade, as defined, while attending another school, and would prohibit a local educational agency from requiring a pupil in foster care to retake a course if the pupil has received a passing grade and completed the entire course in another school. The bill would specify that coursework completed in a course required for graduation shall be awarded in the same or an equivalent course that satisfies the requirements for graduation. The bill would require each local educational agency, at a regularly scheduled public hearing, to adopt a policy that establishes a method for awarding partial credit to pupils in foster care transferring between schools, and would require the Superintendent of Public Instruction to issue a letter each year to each local educational agency of its responsibility to award all full and partial credit for courses to pupils in foster care who transfer between schools in accordance with specified provisions. By imposing additional duties on local educational agencies, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 49069.5 of the Education Code is
- 2 amended to read:
- 3 49069.5. (a) The Legislature finds and declares that the
- 4 mobility of pupils in foster care often disrupts their educational
- 5 experience. The Legislature also finds that efficient transfer
- 6 procedures and transfer of pupil records is a critical factor in the
- 7 swift placement of foster children in educational settings.
- 8 (b) The proper and timely transfer between schools of pupils in
- 9 foster care is the responsibility of both the local educational agency
- 10 and the county placing agency.

1 (c) As soon as the county placing agency becomes aware of the  
2 need to transfer a pupil in foster care out of his or her current  
3 school, the county placing agency shall contact the appropriate  
4 person at the local educational agency of the pupil. The county  
5 placing agency shall notify the local educational agency of the  
6 date that the pupil will be leaving the school and request that the  
7 pupil be transferred out.

8 (d) Upon receiving a transfer request from a county placing  
9 agency, the local educational agency shall, within two business  
10 days, transfer the pupil out of school and deliver the educational  
11 information and records of the pupil to the next educational  
12 placement.

13 (e) As part of the transfer process described under subdivisions  
14 (c) and (d), the local educational agency shall compile the complete  
15 educational record of the pupil ~~including a~~ *that includes the*  
16 *following:*

17 (1) A determination of seat time, full or partial credits earned,  
18 *and current classes and grades, immunization. In determining*  
19 *credits earned for coursework completed in a course that satisfies*  
20 *the requirements for graduation pursuant to Section 51225.3, the*  
21 *local educational agency shall award credit for that course in*  
22 *proportion to the period of time the pupil was enrolled in the course*  
23 *and achieving a passing grade.*

24 (2) *Immunization and other records, and, if records.*

25 (3) *If applicable, a copy of the pupil's plan adopted pursuant to*  
26 *Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C.*  
27 *Sec. 794 et seq.) or individualized education program adopted*  
28 *pursuant to the federal Individuals with Disabilities Education Act*  
29 *(20 U.S.C. Sec. 1400 et seq.).*

30 (f) The local educational agency shall assign the duties listed  
31 in this section to a person competent to handle the transfer  
32 procedure and aware of the specific educational recordkeeping  
33 needs of homeless, foster, and other transient children who transfer  
34 between schools.

35 (g) The local educational agency shall ensure that if the pupil  
36 in foster care is absent from school due to a decision to change the  
37 placement of a pupil made by a court or placing agency, the grades  
38 and credits of the pupil will be calculated as of the date the pupil  
39 left school, and no lowering of grades will occur as a result of the  
40 absence of the pupil under these circumstances.

(h) The local educational agency shall ensure that if the pupil in foster care is absent from school due to a verified court appearance or related court ordered activity, no lowering of his or her grades will occur as a result of the absence of the pupil under these circumstances.

(i) For ~~the~~ purposes of this section, ~~“pupil”~~ the following definitions apply:

(1) “Pupil in foster care” means any child who has been removed from his or her home pursuant to Section 309 of the Welfare and Institutions Code, is the subject of a petition filed under Section 300 or 602 of the Welfare and Institutions Code, or has been removed from his or her home and is the subject of a petition filed under Section 300 or 602 of the Welfare and Institutions Code.

(2) “Passing grade” means a grade D or higher.

(3) “Local educational agency” means a school district, charter school, or county office of education.

SEC. 2. Section 51225.2 of the Education Code is amended to read:

51225.2. (a) For purposes of this section, ~~“pupil”~~ the following definitions apply:

(1) “Pupil in foster care” means any child who has been removed from his or her home pursuant to Section 309 of the Welfare and Institutions Code, is the subject of a petition filed under Section 300 or 602 of the Welfare and Institutions Code, or has been removed from his or her home and is the subject of a petition filed under Section 300 or 602 of the Welfare and Institutions Code.

(2) “Passing grade” means a grade D or higher.

(3) “Local educational agency” means a school district, charter school, or county office of education.

(b) Notwithstanding any other law, ~~a school district and county office of education~~ local educational agency shall accept coursework ~~satisfactorily completed by~~ for which a pupil in foster care received a passing grade while attending another public school, a juvenile court school, or a nonpublic, nonsectarian school or agency even if the pupil did not complete the entire course and shall issue that pupil full or partial credit for the coursework completed in accordance with the local educational agency policy established pursuant to subdivision (f).

1 (c) The credits accepted pursuant to subdivision (b) shall be  
2 applied to the same or equivalent course, if applicable, as the  
3 coursework completed in the prior public school, juvenile court  
4 school, or nonpublic, nonsectarian school or agency. *If the*  
5 *coursework completed is in a course required for graduation, as*  
6 *specified in Section 51225.3, credit shall be awarded in the same*  
7 *or an equivalent course that satisfies the requirements for*  
8 *graduation.*

9 (d) ~~A school district or county office of education~~ *local*  
10 *educational agency* shall not require a pupil in foster care to retake  
11 a course if the pupil has ~~satisfactorily completed~~ *received a passing*  
12 *grade and completed* the entire course in a public school, a juvenile  
13 court school, or a nonpublic, nonsectarian school or agency. If the  
14 pupil did not complete the entire course, the ~~school district or~~  
15 ~~county office of education~~ *local educational agency* shall not  
16 require the pupil to retake the portion of the course the pupil  
17 completed unless the ~~school district or county office of education,~~  
18 *local educational agency*, in consultation with the holder of  
19 educational rights for the pupil, finds that the pupil is reasonably  
20 able to complete the requirements in time to graduate from high  
21 school. When partial credit is awarded in a particular course, the  
22 pupil in foster care shall be enrolled in the same or equivalent  
23 course, if applicable, so that the pupil may continue and complete  
24 the entire course.

25 (e) A pupil in foster care shall not be prevented from retaking  
26 or taking a course to meet the eligibility requirements for admission  
27 to the California State University or the University of California.

28 (f) *No later than July 1, 2015, each local educational agency,*  
29 *at a regularly scheduled public hearing, shall adopt a policy that*  
30 *establishes a method for awarding partial credit to pupils in foster*  
31 *care who are transferring between schools.*

32 (g) *No later than July 1, 2015, and each year thereafter, the*  
33 *Superintendent shall issue a letter to each local educational agency*  
34 *that notifies the local educational agency of its duty to award all*  
35 *full and partial credit for courses to pupils in foster care who*  
36 *transfer between schools in accordance with this section and*  
37 *Section 49069.5.*

38 SEC. 3. If the Commission on State Mandates determines that  
39 this act contains costs mandated by the state, reimbursement to  
40 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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